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Application No. 10/788,477
Docket No. 740116-509REMARKS

In view of the following remarks, further consideration of this application is requested.

Before proceeding further, the undersigned wishes to thank newly assigned Examiner Brown for his open-minded consideration of the points noted at a personal conference conducted on March 14, 2005. As a result of these discussions, the substance of which is set forth below as required by MPEP § 713.04 and 37 CFR § 1.133, the Examiner agreed that the claims as currently on file distinguished over the prior art as applied by his predecessor and that he would give further consideration to this application upon filing of this Request.

Claims 1-6, 20 & 23-27 were rejected under 35 U.S.C. § 102 as being anticipated by the disclosure of the Letendre patent while claims 11-19, 21, 22 and 28-30 were rejected under 35 U.S.C. § 103 as being unpatentable over the Letendre patent. These rejections are inappropriate for the following reasons.

As was pointed out at the interview Letendre states discloses two seat halves that have "a transverse rotational axis, each half mounted to the seat mount so that the seat halves are capable of rotating at least partially about the transverse axis" (see, Abstract and axis X in Fig. 8) and the pillow block joint (which is a ball and socket joint) "allows the split seats to rotate about longitudinal axis Z (Fig. 9), in effect, from side to side, about 10°" (col. 4, lines 45-47). At the interview, the Examiner's attention was directed to Figs. 1, 6 & 8 of Letendre from which it can be seen that, consistent with his description, the supports for the joints are vertically oriented with no forward or laterally outward orientation and the longitudinal extension of the seat halves are parallel to each other.

In contrast, with reference to Figures 1, & 3-5, of the present application, the Examiner's attention was directed to the fact that applicant's saddle is constructed very differently, Fig. 5 showing the outward angling β of the supports 10 as set forth in independent claims 1 & 20 and more specifically in dependent claims 11, 19 & 21, Fig. 1 showing the major axes of each seat half being directed toward a longitudinal center plane of the saddle so as to form an included angle γ in a range of 50° to 65° of independent claim 13 and more specifically in dependent claims 18, 29 & 30, and Figs. 3 & 4 showing the forward inclination α of the supports of dependent claims 11, 19 & 22.

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Still further, it was pointed out that Letendre discloses a saddle with symmetrical halves that are oriented parallel to each other on vertical supports having no forward or outward inclination, while the present invention has asymmetric halves (semi-heart shaped which are the subject of claim 28) that are angled toward each other on supports that are angled upwardly forward and laterally outward. As such, it was apparent to the Examiner that the present invention was not merely the discovery of an optimum or workable range in a structure having the same general conditions as was asserted by the previous examiner, but rather was a total departure from anything taught by Letendre both as to the shape of the seat and the angling of the supports.

Thus, on the basis of the foregoing, it is submitted that the § 102 and § 103 rejections are inappropriate, and in view of the Examiner's agreement that the claims distinguish over Letendre, the outstanding rejections should be withdrawn, and such action is hereby requested.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,

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